

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-519*

11 **DAVID WEBSTER SLACK, JR.**
12 **511 W Quinto Street, Apt C**
13 **Santa Barbara, CA 93105-4817**
Registered Nurse License No. 718243

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about January 17, 2008, the Board of Registered Nursing issued Registered
22 Nurse License Number 718243 to David Webster Slack, Jr. ("Respondent"). The Registered
23 Nurse License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on March 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Texas Board of Nursing)**

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Texas
5 Board of Nursing ("Texas Board"). The circumstances surrounding the disciplinary action are as
6 follows:

7 10. On or about July 24, 2008, pursuant to the Agreed Order issued by the Texas
8 Board, in the disciplinary action entitled *In the Matter of Registered Nurse License Number*
9 *747659 issued to Webster David Slack, Jr.*, the Texas Board disciplined Respondent's Registered
10 Nurse License by issuing a formal Warning with Stipulations. Among the Stipulations imposed,
11 Respondent was ordered to complete additional coursework in Texas nursing jurisprudence,
12 ethics, medication administration, nursing documentation, sharpening critical thinking skills, as
13 well as provide periodic work performance reports. The basis for the order is as follows:

14 a. On or about November 25, 2007, while employed as a Travel Nurse in the Neonatal
15 Intensive Care Unit of Good Shepherd Medical Center, Longview, Texas, Respondent
16 administered Morphine in excess of the physician's order to Infant Patient Medical Record
17 number 460926 in that Respondent administered 1.3 mg Morphine to the infant, instead of 0.13
18 mg Morphine as ordered by the physician.

19 b. Respondent miscalculated the dosage after he documented the physician's order
20 without including a leading zero, as appropriate, which may have exacerbated the medication
21 error.

22 c. As a result, the infant suffered from respiratory distress and required intubation.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
27 particularly described in paragraph 10, subparagraphs (a) through (c), inclusive, above, and herein
28 incorporated by reference.

PRAYER

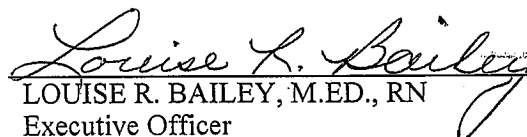
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 718243, issued to David Webster Slack, Jr.;

2. Ordering David Webster Slack, Jr. to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 13, 2010


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2010601294
60584129.doc